



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 26, 1999, 8:00 p.m.

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Jimenez.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PUBLIC COMMENTS

Jason Moreno, 25200 Carlos Bee Boulevard, stated that he has submitted a video to staff that includes scenes of schoolchildren walking outside the pedestrian crosswalk on Main Street and urged drivers to be aware of this concern.

Al Reynolds, 2547 Erskine Lane, complimented those working for the March of Dimes and other charities and the dedicated efforts of such volunteers.

Patricia Gowan, 539 Sarah Place, thanked Bishop J.W. Macklin and Glad Tidings Church for their efforts in praying for the betterment of the City this evening on local streets.

William Blundin, 1089 D Street, commented on his past arrest record.

CONSENT

Agenda Items 2,3, and 4 were removed for discussion.

1. Approval of Minutes of the Meeting of the City Council of October 19, 1999.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to approve the Minutes of the Meeting of the City Council of October 19, 1999.

2. Police Station Entrance Enhancements: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works
Bauman, dated October 26, 1999, was filed.

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Council Member Jimenez expressed concerns that trees would no longer be planted on this site.

City Manager Armas reported that there are sufficient trees planted.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 99-169, "Resolution Approving Plans and Specifications for the Police Station Entrance Enhancements Project, Project No. 6906, and Call for Bids"

3. Annual Investment Report, Revisions to Statement of Investment Policy and Delegation of Investment Authority

Staff report submitted by Director of Finance Carter, dated October 26, 1999, was filed.

Council Member Jimenez asked Finance Director Carter for the roster of the members of the Investment and Advisory Committee and how the membership would increase.

Finance Director Carter reported that there is currently a recruitment for an additional member to this committee. He listed the members that includes Acting Treasurer Ralph Costa, City Clerk Reyes, Assistant City Manager Anderson and Professor Dick Zock. He noted that as the Finance Director, he attends the meeting, but is not a voting member.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 99-170, "Resolution Accepting the Annual Report on Investment Program Activity for the City of Hayward, Affirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance"

4. Resolution Calling for a General Municipal Election to be held on March 7, 2000

Staff report submitted by City Clerk Reyes, dated October 26, 1999, was filed.

Council Member Jimenez clarified a sentence on the agenda report to reflect that four Council positions will be on the March 7, 2000 ballot.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:



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Resolution 99-171, "Resolution of the City Council of the City of Hayward Requesting the Board of Supervisors of Alameda County to Provide for the Consolidation of a General Municipal Election of the City of Hayward with the State of California Primary Election to be Held on March 7, 2000, for the Purpose of Electing Four Members of the City Council for the Terms of Four Years"

5. Ruus Road Sanitary Sewer Line Replacement Project - Approval of Council Change Order and Appropriation of Additional Funds

Staff report submitted by Deputy Director of Public Works Ameri, dated October 26, 1999, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 99-167, "Resolution Approving Council Change Order No. C-1 to Contract for the Ruus Road Sanitary Sewer Line Replacement Project, Project No. 7604"

Resolution 99-168, "Resolution Amending Resolution 99-110, as Amended, the Budget Resolution for Capital Projects for Fiscal Year 1999-2000, Relating to an Appropriation of Funds for the Ruus Road Sanitary Sewer Line Replacement Project, Project No. 7604"

HEARINGS

6. Adoption of Resolution of Intention to Reimburse Expenditures from the Proceeds of Mortgage Revenue Bonds Issued to Finance the Purchase and Rehabilitation of Heritage West Apartments, a Multifamily Development

Staff report submitted by Neighborhood and Economic Development Manager Bauman, for October 26, 1999, was filed.

Neighborhood and Economic Development Manager Bauman made the staff report noting that there will be two on-site managers at this development. She explained that the multifamily revenue bonds are those bonds that are paid by the proceeds of the project. They are not a general obligation to the City. She also showed photos of the present structure and described proposed amenities. All of the units will be restricted to household incomes at or below the area

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median. Ms. Bauman indicated that approximately 75 percent of the current tenants have household incomes within this limit. The property has approximately 50 percent per year turnover. The rents will be based on the State of California Tax Credit Limit.

Council Member Henson asked whether there are currently code violations at this development. He asked whether there would be some replacement of tenants.

Neighborhood and Economic Development Manager Bauman responded that there have been numerous violations as well as fire hazards. She also explained that those tenants, who can afford something better, generally do not stay, so there should be little displacement.

Council Member Jimenez asked why the Housing Inspection Program did not correct all of the problems.

Neighborhood and Economic Development Manager Bauman explained that the Housing Inspection program is on a cycle, and these are deferred maintenance items.

City Manager Armas added that the program does not deal with amenities. This proposal is going beyond the requirement of the Housing Code.

In response to Council Member Hilson, she noted that the non-profit housing operation plans to apply for a relief on property taxes from the Alameda County Tax Assessor. Ms. Bauman added that in other areas, the company provided an in-lieu fee to the City in lieu of the City's share of property taxes.

Council Member Hilson asked whether staff would investigate the possibility of including a similar clause in the City's contract with Fairfield Residential LLC.

City Manager Armas will analyze the data and return to Council to take action.

Council Member Dowling asked about City oversight of the project. Ms. Bauman noted that every potential tenant is required to be certified by staff to qualify for occupancy. Staff also visits the complex at least once a year to insure compliance to the program. She also stated a variety of relocation services would be made available to those tenants whose incomes disqualify them from continuing their residence in the project.

In response to Council Member Ward's inquires, Ms. Bauman responded that the City will require the developer to follow all lead-based paint regulations. She reported that she was not aware of any Section 8 tenants at this housing development, but the developer could respond during the public hearing.

Council Member Rodriquez asked about housing for low-income families due to the increase of rents. She expressed concern that low-income families had to find housing that may not be as improved. Ms. Bauman responded that, although there is some housing available in certain areas of the City, the vacancies are going down and the rents are going up.



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Stan Herskovitz, 5510 Morehouse Drive, San Diego, representing Fairfield Residential, responded to Council questions. He noted that rents are set and there is a 30-year period for this development. He agreed that an analysis of the data be completed. Currently the rents will be month to month. However, they would be initiating 6-month and one-year leases. He noted that all tenant incomes must be certified annually. He added that each unit has been inspected and no lead-based paint was reported. He indicated that some asbestos has been found. They will be using standardized federal government guidelines to get rid of the material. Lastly, he said that, to their knowledge, there are no Section 8 tenants at this property. Under this program, Section 8 tenants would qualify for these units.

Mayor Cooper opened and closed the public hearing at 8:47 p.m.

Following the motion by Council Member Dowling, Council Member Henson indicated his frustration in the lack of maintenance and concern of the housing from the previous owners. He agreed that he would support the motion in order to bring the project up to livable standards for the residents.

Council Member Dowling thanked the developer and staff for their proposal. He indicated that the Amador-Cypress area is improving with other projects.

Council Member Rodriguez commented on her disappointment in seeing increased rents to improve facilities.

Council Member Jimenez urged the Fairfield developers to correct all safety including improving exterior lighting, replacing railings and wall and water heaters.

City Manager Armas said these are included in the project.

Council Member Ward asked the developer about their prior history with HUD housing. Mr. Herskovitz indicated that the requirements for this project stipulate that the developer cannot opt out. He also responded to Council Member Jimenez that the safety factors in the exteriors of the units would be the first priority in the renovation. As to the displacement in the turnover, they are assuming it will be relatively small since they have approximately two years to complete the renovation.

Mayor Cooper commented that rental housing in Hayward has suffered as a result of absentee landlords. However, with the increase in housing prices, as a result, she is hopeful that more attention will be paid to the rental properties in the City.

It was moved by Council Member Dowling, seconded by Council Member Ward, and unanimously carried by all present, to approve the following:

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Resolution 99-172, "Resolution Declaring Intention to Reimburse
Expenditures from the Proceeds of Tax-Exempt Obligations and
Directing Certain Actions"

LEGISLATIVE BUSINESS

7. Vacation of Aircraft Taxiway Easements Located within Parcel 2 of Tract 2968

Staff report submitted by Airport Manager Shiner, dated October
26, 1999, was filed.

Public Works Director Butler made the presentation depicting the proposed area of the taxiway area and noted that this property has deteriorated and the tenants desire that it be utilized for commercial purposes. He noted that several years ago, Council recommended a vacation of the easements with the understanding that staff would resolve access questions between various businesses and property owners. The questions have been answered so that the business owners are in agreement with the vacation of these easements.

Council Member Ward commented that the Council Airport Committee is presently discussing the updated Airport Master Plan, of which this action is part of that document. Mr. Butler indicated that this is not part of that Plan since that will address airside or active airport use.

Mayor Cooper opened the public hearing at 9:01 p.m.

J.V. McCarthy, 732 B Street #2, spoke against the abandonment of this easement and stated that there is an unfortunate and misguided pattern of development by Council. He stated that the consequences would be ongoing.

Gordon Everett, 5751 Balmoral Drive, Oakland, owns property adjacent to this easement. He uses this easement to access his property at least three or four times weekly. He indicated that he has been party to numerous discussions regarding access to his property. He said he has been assured by one of the property owners that there will be continued access to his property following approval of this action. However, without anything definite on record, he would have no recourse.

Public Works Director Butler noted, for the record, that the property owner had assured Mr. Everett by letter that, following the abandonment of the taxiway, the owner would grant an easement for access to the property.

Mayor Cooper closed the public hearing at 9:06 p.m.

Council Member Ward moved the item and encouraged staff to continue working with affected property owners to assure that access to their own property continues.



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Council Member Henson asked that Airport Manager Shiner provide further information to the public regarding the conditions in this area and an explanation as to the request for abandonment of the easement.

Mr. Shiner explained that two years ago, at the behest of the property owners, staff brought the abandonment to the Planning Commission and recommended the vacation. Conditions on this property were deplorable: abandoned vehicles, dumping of trash, persons living in the bushes. One property owner needed access to the rear of the property. Therefore staff ended discussions at the request of the owners of properties Lot 2, 14 and 17, but continued to work with all property owners who required access to the rear of their properties.

Council Member Henson reiterated his long-standing support of airport property rights but added that this proposal makes sense.

Council Member Rodriquez indicated that this is a logical and practical request and much better than the present dumping grounds this area has become over time. She did express concern with development in the area as well as adjacent owners maintaining access to the rear of their properties.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried by all present, that staff work with the adjacent property owners needing accessibility to rear properties and to approve the following:

Resolution 99-173, "Resolution Vacating the Airport Taxiway
Easements Located within Parcel 2 of Tract 2968"

COUNCIL REPORTS

Council Member Hilson visited Dillard High School in Florida with other technology committee members to review computer technology uses there that were quite impressive. He described various computer graphics, animations, robotics and network repair that high school students were operating. He noted that a few years ago the youth at this high school were disadvantaged, but technology has changed and challenged their expectations.

ADJOURNMENT

Mayor Cooper adjourned at 9:21 p.m. with a reminder to all voters to participate in the Hayward Unified School Board election next Tuesday, November 02, 1999.

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APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward